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PUBLIC WORKS ACT 1882 AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend "The Public Works Act, 1882."

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

5 1. The Short Title of this Act is "The Public Works Act 1882 Amendment Act, 1883." Short Title.

10 2. Sections one hundred and one, one hundred and fifty-six, one hundred and fifty-seven, and one hundred and fifty-eight of "The Public Works Act, 1882" (herein referred to as "the said Act"), are hereby repealed. Repeals.

3. The said Act is hereby amended as follows:—

"The Public Work Act, 1882," amended.

In section eleven all the words from "The provisions of this" inclusive to the end, shall be omitted.

15 In section fifty-six the word "sixty-three" shall be inserted in lieu of the word "sixty-four":

In section eighty-three all the words after "county roads" shall be omitted:

20 In section eighty-five all the words from "In cases where," to the end of the section, shall be omitted, and the following words substituted: "Wherever the opera-

tion of 'The Counties Act, 1876' is suspended, the Governor shall have and may exercise all the functions vested in a County Council under this section."

In section one hundred and twenty-three, fifth subsection thereof, the word "eleven" shall be substituted for "twelve." 5

Awards of costs in compensation cases.

4. Section fifty-seven of the said Act is hereby repealed, and the following substituted therefor,—

The Court shall fix and determine the amount of the costs of the inquiry, and shall include the same in their award, and shall direct by whom such costs shall be paid. 10

Such costs shall include all reasonable costs and charges incurred in the inquiry, including the fees of Court, fees payable to Assessors, the expenses of witnesses, and the employment of counsel, solicitors, or agents, including the costs between solicitor and client. 15

The Court may declare that a gross sum shall be awarded in respect of such costs without specifying the same, or may apportion any such costs between the parties to the proceedings in such manner or proportion as may be thought just.

But if the sum awarded does not exceed three-fourths of the amount claimed the claimant shall not be entitled to recover any costs, unless the Court shall otherwise direct. 20

The Court may in any case declare that no costs shall be awarded, and the fact shall be stated in the award.

ASSESSMENT OF LANDS TAKEN FOR PUBLIC WORKS.

Assessment rolls of Property-Tax Commissioner to be taken as defining the value of all lands taken for public works.

5. Whenever lands are required to be taken for any public work whatever, the maximum value of such lands for all purposes of "The Public Works Act, 1882," shall be taken to be in every case the amount appearing as the value of such lands in the assessment roll prepared by the Property-Tax Commissioner for the time being in force, with not exceeding *twenty-five* per centum over and above such amount added thereto as compensation exclusive of compensation for special damage. 25 30

Compensation Court to set off increase of value against compensation.

But in estimating the amount to be awarded in any claim for compensation for land taken, or for special damages in respect of the taking thereof, the Compensation Court shall be guided by the provisions of section sixty of the said Act, and, whilst considering the value of the land ascertained as aforesaid, and the amount of special damage, if any, as against the amount claimed for the same, it shall also take into its consideration, by way of deduction, any increase of value likely to be caused to the property of the owner of the land taken by the execution of the works for which the land is taken. 35 40

Same rule to apply to Native lands when assessed as aforesaid.

6. The provisions of this section shall apply also in all cases of Native lands which are assessed by the aforesaid Commissioner, and where not so assessed, then the value of such Native lands, and the compensation to be paid for the same, shall be ascertained as provided in section twenty-six of the Act last named. 45

ROADS.

Maintenance of bridge, ferry, or ford in a town district.

7. The provisions of section eighty-seven of the said Act relating to the maintenance of a bridge, ferry, or ford across a river which divides two counties, shall operate as originally enacted, notwith- 50

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standing that such bridge, ferry, or ford is entirely within the limits of a town district.

8. Where there is a bridge, ferry, or ford across a river at a point where the two banks are situate within a borough the inhabitants of which at the time of the last census were returned as numbering less than four thousand, and the Minister shall be satisfied that the Borough Council is unable to defray the cost of maintaining the same, the Governor may appoint any adjacent local body to have the control of such bridge, ferry, or ford, and to be charged with the cost of maintaining the same, or may apportion such cost between the borough and the adjacent local bodies in manner as he shall think fair, and nevertheless appoint any one of such bodies to have such control. Every such bridge, ferry, or ford shall for all purposes of such maintenance be deemed to be entirely within the limits of the jurisdiction of the local body having the control thereof.

Maintenance of bridge, ferry, or ford when borough unable to defray the cost.

9. After section eighty-six of the said Act there shall be read the provision following:—

Road dividing two boroughs to be maintained at mutual cost.

When a road lies lengthwise on the boundaries of two boroughs or of a borough and town district such road shall be constructed and maintained by the two boroughs or borough and town district respectively, on such terms and conditions as may be mutually agreed upon, and, failing such agreement, the Resident Magistrate of the district in which the road is may determine what portions of the road shall be constructed or maintained by each of the boroughs or borough and town district respectively, or that the whole shall be constructed or maintained by one borough or town district, and that the other borough or town district shall pay a certain proportion of the cost thereof: Provided always that no change shall be made in the levels of any road abutting on two boroughs or borough and town district without the consent of both the boroughs or of the borough and town district.

10. When, in order to lay out any new street, or divert, alter the course of, or extend or widen any existing street, if the Council shall deem it expedient to acquire more land on either or both sides of such proposed street or extension, widening, or diversion than is required for such proposed street, extension, widening, or diversion, the Council may take such land in accordance with the provisions contained in sections one hundred and seventy-nine and one hundred and eighty of "The Municipal Corporations Act, 1876," and any enactments in amendment of the aforesaid sections, but subject to the limitation contained in section one hundred and eighty-two of the Act last aforesaid.

Borough Council may acquire land for extending, diverting, or widening streets.

And when such street shall have been laid out, extended, diverted, or widened as aforesaid, the Council may cause any surplus area so acquired to be sold in the manner prescribed by section fourteen of "The Public Works Act, 1882."

11. The occupier or in case there is no occupier then the owner of the land on each side of a road shall be answerable for the grubbing up, clearing away, and destroying of gorse and broom on such road for half the width thereof adjoining to the land occupied or owned by him.

Removal of overhanging trees or gorse or broom on roads.

The Road Board may order the occupier, or in case there is no occupier, then the owner of any land abutting upon any road—

(1.) To remove any part of a tree, or lower or trim any part of a hedge, overhanging a road so as to injure it; or

- (2.) To clear away and destroy, within the above-mentioned limits, all obstructions to traffic arising from the growth of gorse or broom upon such road.

In the event of any such occupier or owner failing to comply with such order within one month from the receipt thereof, he shall be liable to a penalty not exceeding *five* pounds for every day during which such order is not obeyed, and a further sum equal to the cost incurred by the Board in removing such tree, or lowering or trimming such hedge, or grubbing up and removing such gorse or broom. 5

But the power hereby granted to the Board shall only be exercised upon the report of any two members of the Board, after together viewing the place, that such injury is being done, or upon the certificate of a competent surveyor to the like effect. 10

Trimmings of hedges, &c., not to be thrown on roads.

12. If any person shall throw, or cause to be thrown, the trimmings of any hedge or tree, or any gorse, broom, or other rubbish upon any road, and shall neglect to remove the same within two weeks from the receipt of an order so to do from the Board, the Board may cause such trimmings, gorse, broom, or other rubbish to be removed; and the cost of the removal of the same and all expenses attendant thereupon shall be recoverable accordingly from such person by the Board. 15 20

Removal of gorse or broom on river-beds.

13. Every County Council, Road Board, and Town Board may grub up, clear away, and destroy all gorse and broom growing on any river-bed in the county, road district, or town district, and maintain such river-bed free from gorse and broom, and may apply any of the county or district funds to the purpose from time to time. 25

When a river or river-bed divides two districts the County Council, Road Board, or Town Board on either side may clear and maintain free from gorse and broom such river-bed for half the width thereof adjoining the bank within the district of the Council or Board. 30

RAILWAYS.

Penalties for grave offences on railways.

14. Whosoever does any of the following things—

- (1.) Throws stones, gravel, timber, or any rubbish on a railway, or at any engine, carriage, or wagon thereon;
- (2.) Causes or allows any animal to wander on any portion of any railway where such portion is fenced in on both sides; 35
- (3.) Does any act which obstructs or might obstruct the working of a railway or endangers or might endanger the lives of persons travelling thereon;
- (4.) Drives or attempts to drive any vehicle or animal across a level crossing or elsewhere on a railway when an engine or any carriages or wagons on a railway are approaching and within a mile from such crossing; 40
- (5.) Places any rolling-stock on a railway without authority to do so; 50
- (6.) Moves any part of the rolling-stock on any railway, or leaves the same on any part of a railway, not having lawful authority so to do;
- (7.) Attempts to do, or assists or aids any other person in doing, any of the things mentioned in this section— 55

shall be liable, on conviction thereof before any two Justices of the Peace, to a penalty not exceeding *fifty* pounds:

But this section shall not relieve any person from any other penalty or liability to which he may be subject for doing any of the said things.

5 **15.** Whosoever does or causes or procures to be done any of the following things—

Offences on railways punishable by fine or imprisonment.

- (1.) Defaces the writing on any board or any notice authorized to be maintained on any railway, or any railway carriage or rolling-stock, or any railway station ;
- 10 (2.) Obstructs any officer or servant employed on any railway in the performance by such officer or servant of his duty ;
- (3.) Damages any railway, or any engine, carriage, truck, wagon, or any material or rolling-stock used upon any railway ;
- (4.) Behaves in a violent or offensive manner to the annoyance of others, or is drunk, on any railway or in any carriage thereon ;
- 15 (5.) Alters any ticket with intent to avoid payment of the proper fare or any part thereof ;
- (6.) Sells or offers for sale or transfer any free-pass ticket, or permits any person other than the person to whom such free-pass ticket is issued to make use of any such ticket ;
- 20 (7.) Writes any indecent words or draws any indecent or obscene picture or representation on any part of a railway, or on any railway carriage or rolling-stock, or on any fences or buildings upon or adjoining any railway, or near to and conspicuous from any railway—

25 shall be liable, on conviction thereof before any two Justices of the Peace, at the discretion of such Justices, to be imprisoned in any prison with or without hard labour for any period not exceeding *two* months, or to pay a fine not exceeding *ten* pounds and costs.

30 **16.** Whosoever does or causes or procures to be done any of the following things—

Offences on railways punishable by fine.

- (1.) Uses or attempts to use any ticket the time for the proper use of which has expired ;
- 35 (2.) Sells or transfers to any person a ticket which has been used for the whole or any part of the journey for which such ticket is issued, or travels or attempts to travel with any such ticket sold or transferred by any such person ;
- (3.) Travels in a railway carriage of a class superior to that for which he is provided with a ticket ;
- 40 (4.) Affixes any placard or bill on any part of the buildings or fences upon or connected with any railway, or sells or attempts to sell any articles on any railway, without being thereto authorized by the Minister ;
- (5.) Neglects to shut any gate or slip-panel in any fence forming the boundary of, or upon or adjoining, any railway ;
- 45 (6.) Trespasses upon any part of a railway not being a station, platform, or railway-crossing, or other part to which the public are allowed access by law—

50 shall be liable, on conviction thereof before any two Justices of the Peace, to pay a fine not exceeding *ten* pounds and costs.

REFRESHMENT-ROOMS.

Licensing
refreshment-rooms.

17. Notwithstanding anything to the contrary contained in "The Licensing Act, 1881," the Minister for Public Works may at any time, and from time to time, grant licenses for the sale of intoxicating liquors by retail in any refreshment-rooms or buildings attached to or connected with any railway station in the colony. 5

Every such license may be in such form and shall be granted upon such terms and conditions as the said Minister shall think fit, and may be revoked by him upon any breach of such conditions.

The holder of any such license, and the premises occupied by him as refreshment-rooms under such license, shall be subject to the provisions of Parts II. and III. of "The Licensing Act, 1881." 10

Subsection two of section twenty-eight of "The Licensing Act, 1881," is hereby repealed.